

BEFORE THE PUBLIC UTILITIES COMMISSION OF  
THE STATE OF CALIFORNIA



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Order Instituting Rulemaking on the  
Commission's Own Motion into the  
Service Quality Standards for All  
Telecommunications Carriers and  
Revisions to General Order 133-B.

R.02-12-004

**OPENING COMMENTS OF DISABILITY RIGHTS ADVOCATES ON ASSIGNED  
COMMISSIONER'S RULING AND SCOPING MEMO**

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May 14, 2007

## I. INTRODUCTION

Disability Rights Advocates (“DisabRA”) hereby submits these Comments, as requested in the Assigned Commissioner’s Ruling and Scoping Memo (“ACR”), issued on March 30, 2007.<sup>1</sup> The ACR invited parties to this proceeding to answer four questions related to the Commission’s statutory obligation to monitor the provision of quality telecommunications services to California consumers<sup>2</sup>: (1) whether the Commission should require customer satisfaction surveys for all wireline and wireless carriers and, if so, what metrics should be included and what format the surveys should follow; (2) whether the Commission should continue monitoring service quality under the MCOT requirements and, if so, if non-URF ILECs and CLECs should be included in the MCOT reporting requirement; (3) whether all LECs should report service quality interruptions in the same manner; and (4) whether the Commission should eliminate or continue existing company-specific or California-specific measurements.

DisabRA generally endorses the comments and proposals presented by TURN on these questions. Additionally, DisabRA has some distinct points to raise with the Commission on the issue of service quality. In these Comments, DisabRA will focus on the needs of its constituency, namely the more than six million Californians with disabilities. This group, which represents almost one in five Californians, is more heavily reliant on telecommunications to live independently than the average consumer, more reliant on traditional wireline providers, and more likely to be low-income.<sup>3</sup> Therefore, any efforts the Commission undertakes to monitor service quality should include ways to monitor the specific needs of this particularly vulnerable population.

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<sup>1</sup> DisabRA is not currently a party to this proceeding. However, we have an interest in continuing to address issues raised in the URF proceeding (R.05-04-005) that have been directed here. Concurrent with these comments we are filing a Motion to Intervene in this proceeding.

<sup>2</sup> See P. U. Code §§ 709 and 2896.

<sup>3</sup> See *generally* Testimony of Dmitri Belser in R.05-04-005 (hereinafter “Belser Testimony”).

## II. COMMISSION'S OBLIGATION TO MONITOR THE PROVISION OF QUALITY TELECOMMUNICATIONS SERVICES TO CALIFORNIA CONSUMERS

Any inquiry into what measurements should be used to monitor the quality of telecommunications services should begin with an examination of the Commission's mandated obligation to conduct such monitoring. Public Utilities Code section 709(h) requires the Commission "to encourage fair treatment of consumers through provision of sufficient information for making informed choices [and] establishment of reasonable service quality standards . . . ." Section 2896 sets forth basic parameters for "reasonable service quality standards," mandating the Commission to:

require telephone corporations to provide customer service to telecommunication customers *that includes, but is not limited to*, . . . the following:

- (a) *Sufficient information* upon which to make informed choices among telecommunications services and providers. *This includes, but is not limited to*, information regarding the provider's identity, service options, pricing, and terms and conditions of service.
- (c) Reasonable statewide service quality standards, *including, but not limited to*, standards regarding network technical quality, customer service, installation, repair, and billing. (Emphasis added.)

It is obvious by its repeated use of "including, but not limited to" that the Legislature intended section 2896 to operate as a floor for the metrics the Commission should evaluate. The Commission should use this proceeding as an opportunity to procure concrete information from the carriers regarding the reliability and functionality of services they provide and make this information available to consumers in a user-friendly format.

When revising existing reporting requirements or establishing new ones, the Commission should remember its mandate to "continue [its] universal service commitment by assuring the continued affordability and widespread availability of high-quality telecommunications services to all Californians."<sup>4</sup> To do this, the Commission will need to create specific benchmarks and reporting requirements that allow it, and consumers, to effectively differentiate between the quality of services supplied by a particular provider. As former Commissioner Lynch warned,

“it is poor policy to let the average performance of the utility industry define what is good or not good service quality” as such an approach “cedes [the Commission’s] regulatory authority to the utilities.”<sup>5</sup>

### **III. SERVICE QUALITY STANDARDS ARE MORE IMPORTANT FOR PEOPLE WITH DISABILITIES BECAUSE THEY ARE MORE RELIANT ON TELECOMMUNICATIONS AND HAVE FEWER CHOICES**

People with disabilities, as compared with the average consumer, are more reliant on telecommunications services to lead independent lives. Given that access to such services very often is a disabled consumer’s lifeline to the external world, service reliability is a must. The Commission should collect concrete metrics about service reliability, such as the average out-of-service repair interval for wireline service and statistics for call success and drop rates for wireless coverage<sup>6</sup>, and make such data available on the Commission’s website and in alternative formats. The Commission should also require the carriers to report in a uniform format for their respective technology.

Despite their increased need for telecommunications services, people with disabilities have not been able to form a strong enough constituency, in the eyes of service providers, to garner the provision of the specialized services they need, such as bills or other communications in alternative formats, from most providers. Perhaps this is because disabled consumers are more likely to be low-income and, therefore, are considered to be an unattractive sub-market.<sup>7</sup> Due to the limited offerings meeting their individual needs, people with disabilities are disproportionately reliant on larger, more traditional service providers. They, therefore, are less able to take advantage of potential price benefits resulting from increased competition in the marketplace if lower prices are provided by carriers that do not provide supportive services for people with disabilities. People with disabilities are at an additional disadvantage in that they

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<sup>4</sup> Cal. Pub. Util. Code § 709(a).

<sup>5</sup> D.03-10-088, Dissenting opinion of Commissioner Loretta Lynch, Dec. 3, 2003, available at [http://www.cpuc.ca.gov/word\\_pdf/FINAL\\_DECISION/32136.pdf](http://www.cpuc.ca.gov/word_pdf/FINAL_DECISION/32136.pdf), pp. 6-7 (hereinafter, “Lynch dissent”).

<sup>6</sup> See TURN Opening Comments, May 14, 2007, p. 7-12, for a more detailed list of service indicators for which the Commission should collect information.

<sup>7</sup> See Belser Testimony, A.9, for a more detailed discussion of service providers viewing people with disabilities as an unattractive market.

cannot afford to sign up for a service that does not work and then experience additional cost and potential significant delays in getting a new service started, nor can they generally afford redundancy in telecommunications services. They need to be connected at the lowest cost possible to the most reliable service that meets their particularized needs. As most providers do not advertise the services offered for disabled consumers, the Commission's collection of service quality data may be a disabled consumer's only insight into his or her options.

To assist disabled consumers in navigating the changing marketplace and in making a choice for the most reliable service suited to their needs, the Commission should require providers to report information regarding the services they provide specific to people with disabilities and the efficacy of those services, including the rate at which they are used, any extra time a person with a disability must spend waiting for an operator to request specialized services, and any complaints the provider receives regarding the provision of those services.

#### **IV. CONSUMER SURVEYS CAN BE HELPFUL INDICATORS OF SERVICE QUALITY, BUT ARE INSUFFICIENT TO WHOLLY SATISFY THE COMMISSION'S OBLIGATION TO MONITOR**

The Commission notes that customer surveys required by the FCC would be the easiest measurement to apply to all carriers, regardless of the type of service provided.<sup>8</sup> DisabRA does not disagree that requiring all service providers to report customer satisfaction surveys would be a seemingly easily implemented and symmetric requirement. However, the Commission cannot solely rely on these surveys as indicia of service quality, as providers have wide latitude in crafting surveys, which makes comparisons difficult. In addition, any such surveys would be unable to provide a complete picture of the quality and reliability of services a provider offers, and without careful construction such surveys would be likely to exclude feedback from particularly vulnerable populations, such as people with disabilities.

To be able to compare service quality among providers, any customer surveys would need to be crafted so that they were identical, i.e., the same questions in the exact same order. In

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<sup>8</sup> ACR, p. 4.

the NRF context, former Commissioner Lynch noted the pitfalls of using customer surveys as a basis for comparing the service quality of various providers:

Each carrier had the discretion to conduct its surveys as it saw fit to with no prescribed uniform methodology, questions or response scales. Carriers also had the discretion to change surveys over time without posting notice of those changes. As a result, surveys with completely different questions, sample sizes, and survey techniques are being compared. . . . The non-comparability of these surveys completely undermines the validity of the inter-company comparisons.”<sup>9</sup>

If the Commission does not require carriers to synchronize their surveys, the data that comes out of them will be relatively useless to consumers. What is worse, consumers will not realize, unless told otherwise, that the surveys are not comparable and will attempt to draw parallels that in reality cannot be made.

Even if the surveys are synchronized, they still will not provide a complete picture of a provider’s overall service quality. There is no doubt that customer surveys shed light on how those customers questioned felt about their service provider at the day and time they were asked; however, such surveys do not provide consumers with critical, objective information about the provider’s overall performance. For example, a customer report that s/he regularly experiences dropped calls from her wireless provider is not as illuminating as information regarding the total level of dropped calls the carrier experienced that month. Similarly, surveyed customers indicating they were dissatisfied with the wait time for repair of an outage on their telephone lines will not accurately convey the average wait for wireline repair.

Another concern with relying solely on customer surveys as an indicator is that such surveys will necessarily be incomplete if they do not include feedback from vulnerable consumer populations who may not tend to fare as well post-URF, such as consumers with disabilities. Consumers with disabilities may need to be specifically targeted for inclusion in the surveys.<sup>10</sup> For example, people who are deaf or hard of hearing and use TTYs or TTDs will not be included in a regular telephonic survey. Efforts should be made to work with community-based

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<sup>9</sup> Lynch dissent, p. 9.

organizations to identify and reach out to people with disabilities. Additionally, the surveys should include some questions specific to the provision of services to the disability community so that disabled consumers will be able to effectively evaluate their choices before signing up for service. Comparable efforts should be made for other underserved groups such as language minorities.

## **V. ALL TELECOMMUNICATIONS SERVICE PROVIDERS SHOULD REPORT ON MAJOR SERVICE INTERRUPTIONS**

As previously noted, Californians with disabilities are more reliant on telecommunications services than the average consumer because these services are a mechanism that allows many of them to lead independent lives and to stay connected to their communities. For people who are unable to leave their homes easily, a major service outage can mean the inability to reach a doctor in the event of an emergency. Considering this sort of heavy reliance on telecommunications, the Commission must monitor major service outages and should do so for all service providers.

The Commission noted that the previous comments in this proceeding “lend support to limiting service quality measures to basic local exchange access line service.”<sup>11</sup> However, the Commission has determined that both VoIP and wireless service constitute sufficient competition with traditional wireline service to warrant substantial deregulation.<sup>12</sup> If this holds true, the Commission should monitor outages experienced by *all* service providers, regardless of mode of technology.

An additional reason for requiring all providers to report major service outages is that vulnerable populations, such as low-income consumers and consumers with disabilities, tend to rely on one mode of technology.<sup>13</sup> Therefore, those opting to rely solely on wireless providers will need access to reliability and outage information for wireless providers.

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<sup>10</sup> Of course, such a strategy raises the additional concerns such as the privacy of disabled customers and the ability of a carrier to obtain a statistically significant sample of customers with disabilities for such surveys.

<sup>11</sup> ACR, p. 3.

<sup>12</sup> D.06-08-030, Conclusions of Law 13 and 14, p. 274.

<sup>13</sup> Belser Testimony, A.6.

## VI. CONCLUSION

As former Commissioner Lynch stated in her dissent to the NRF decision, the Commission forsakes its obligations to business and residential consumers if it fails to set its own standards “for acceptable service quality that is based on the level of service that is reasonable to expect, which is not necessarily the average service the utilities actually provide.”<sup>14</sup> The Commission should also create its own standards for reporting on service quality that provide an accurate reflection of the services being provided and the gaps in such services. Therefore, DisabRA requests that the Commission adopts TURN’s proposal for service quality indicators and include the specific information mentioned above regarding the provision of services to people with disabilities.

May 14, 2007

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
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<sup>14</sup> Lynch dissent, p. 8.



## **CERTIFICATE OF SERVICE**

I certify that I have, by electronic mail to the parties to which an electronic mail address has been provided, served a true copy of “Opening Comments of Disability Rights Advocates” on all known parties on Re: R.02-12-004.

Dated May 14, 2007, at Berkeley, California.

/s/  
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